

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

12 ) Case No.: C 08-03172 RMW (PSG)  
13 )  
14 IN RE GOOGLE LITIGATION ) **INTERIM ORDER RE PLAINTIFF**  
15 ) **SOFTWARE RIGHTS ARCHIVE,**  
16 ) **LLC'S ADMINISTRATIVE MOTIONS**  
17 ) **TO FILE UNDER SEAL**  
 ) (Docket Nos. 368, 376, 402, 404)

Plaintiff Software Rights Archive, LLC (“SRA”) administratively moves to file under seal portions of its discovery motions and certain exhibits in their entirety. SRA submits these exhibits in support of its pending discovery motions. Pursuant to the governing protective order, SRA explains that the documents sought to be filed under seal contain Defendants’ trade secrets or other confidential research and development, technical, sales, marketing, financial, personnel, customer, vendor, or other commercial information. For the reasons set forth herein, a ruling on SRA administrative motions to file under seal is DEFERRED.

25 Civ. L.R. 79-5(d) states that if a party seeks to file a document designated confidential by  
26 another party pursuant to a protective order, the submitting party must file and serve an  
27 administrative motion for a sealing order and lodge the document, memorandum or other filing in  
28 accordance with the rule. The designating party must then file and serve "a declaration establishing

1 that the designated information is sealable, and must lodge and serve a narrowly tailored proposed  
2 sealing order, or must withdraw the designation of confidentiality" within 7 days.

3 Here, Defendants designated the information and documents as confidential. Pursuant to  
4 Civ. L.R. 79-5(d), SRA administratively moved for a sealing order in accordance with the rule.  
5 Defendants, however, have not filed any declarations establishing that the designated information is  
6 sealable and they have not lodged any narrowly tailored proposed sealing orders. Despite this  
7 failure, Defendants will be given until noon on June 30, 2011 to file appropriate declarations setting  
8 forth good cause why any document, including portions of SRA's pending discovery motions and  
9 any exhibits in their entirety, should be filed under seal. Defendants are advised that their sealing  
10 requests must be narrowly tailored in light of the "strong presumption in favor of access" to court  
11 documents.<sup>1</sup>

12 IT IS SO ORDERED.

13 Dated: June 22, 2011

  
14 PAUL S. GREWAL  
United States Magistrate Judge  
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<sup>1</sup> See *Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1179-81 (9th Cir. 2006).